

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

GARRETT AND RALPH SITTS, et al., PLAINTIFFS, v. DAIRY FARMERS OF AMERICA, INC., and DAIRY MARKETING SERVICES, LLC, DEFENDANTS.	Civil Action No. 2:16-cv-00287-cr
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**EXHIBIT 15 TO
THE JUNE 2, 2020 DECLARATION OF
ALFRED C. PFEIFFER JR.**

ConnecticutLawTribune

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The Danger of Disappearing Jury Trials, During and After the Pandemic

Officials in the judicial branch are resolved it is highly likely there will be no jury trials until at least 2021.

By **Connecticut Law Tribune Editorial Board** | May 14, 2020



Much has been written about the

consequences on public health, the economy and society of the COVID-19 pandemic, but few have observed the damaging effects the pandemic has caused to democracy by eliminating future jury trials.

With the current struggles to find a vaccine that provides complete immunization, officials in the judicial branch are resolved it is highly likely there will be no jury trials until at least 2021. At least one presiding judge is issuing notices in cases scheduled for jury trial in 2020 that state “there will be no jury trials in Hartford in 2020.”

The late federal judge, Mark Kravitz, observed decades ago a trend he characterized as “the vanishing jury trial.” With alternative dispute resolution on the rise, along with the rising cost of jury trials—particularly in Connecticut with individual voir dire as a method for selecting juries taking substantially longer time to select a jury than in others states—there has been a steady decline in the number of jury trials each year.

6/2/2020

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The founding fathers were unequivocal in their support for trial by jury. Alexander Hamilton wrote, "The friend and adversaries of the plan of the Convention, if they agree in nothing else, concur at least in the value they set upon trial by jury; if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government." John Adams wrote, "Representative government and trial by jury are the heart and lungs of liberty." And Thomas Jefferson wrote, "I consider [trial by jury] as the only anchor yet imagined by man, by which government can be held to the principles of its constitution."

Former U.S. Supreme Court Chief Justice William Rehnquist observed that the right to a jury trial is "fundamental to our history and jurisprudence" and a "right so fundamental and sacred to the citizens that it should be jealously guarded." As professor Alexandra Lahav explained in her recent book *In Praise of Litigation* (https://www.amazon.com/Praise-Litigation-Alexandra-Lahav-ebook/dp/B01N246ON5/ref=sr_1_1?dchild=1&keywords=in+praise+of+litigation&qid=1589472387&sr=8-1), trial by jury is fundamental to democracy, for at least two reasons. First, it provides an equalizing effect by allowing some of the least powerful members of society to render judgment on some of the most powerful entities and individuals in the world. Second, jury trials allow individuals from different backgrounds and personalities to engage in principled debate over important issues such as public safety and personal responsibility.

The average person does not often think much about trial by jury, and some may regard it as an anachronism, a vestige of a bygone age. We need to remember the importance of a trial by jury to democracy so that, when this pandemic eventually passes, the trial by jury makes a vigorous return and does not, ultimately, vanish.

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